

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
October 22, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., October 22, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2 and Max W. Wilson, District 4, Absent: Mary Rose Wilcox, District 5. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**INVOCATION**

Bill Scalzo, Chief Community Services Officer, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Eve Murillo, County Auditor's Office, led the assemblage in the Pledge of Allegiance.

**CHIEF COMMUNITY SERVICES OFFICER, PARKS & RECREATION - CONTINUED**

Item: Approve the following actions regarding the Parks & Recreation Department Park Police Division: (Addendum A-1)

- a) Market adjustments for Park Police Officers totaling \$172,914 in all funds annualized to be effective September 29, 2003; (ADM3308)
- b) The administrative transfer of the Parks & Recreation Department Park Police division from the Parks & Recreation Department to the Maricopa County Sheriff's Office as the Mountain Park Patrol, including the transfer of 17 FTE positions (11 FTE funded by the General Fund, 3 FTE funded by the Lake Fund and 3 FTE funded by the Spur Cross Fund), related vehicles, radios, computer equipment and weapons as outlined in the interdepartmental agreement (Attachment A); (ADM39-001)
- c) In accordance with ARS §42-17106B, approve expenditure appropriation transfers from the FY 2003-2004 Parks & Recreation Department to the Sheriff's office (Agency 500) General Fund expenditure budget in the amount of \$415,422, including \$245,189 in interdepartmental personal fund credits for positions funded by Lake Fund (240) and Spur Cross Fund (225) as detailed in Attachment B, effective September 29, 2003; (ADM3200) (ADM3900)
- d) In accordance with ARS §42-17106B, approve expenditure appropriation transfer from the FY 2003-04 General Government (470) General Fund (Fund 100) Contingency (4711) to the Sheriff's Office (500) General Fund (Fund 100) budget in the amount of \$120,880 as detailed in Attachment B, to implement the market adjustments outlined in A above.

The requested action will result in a consolidation of law enforcement services within the county. The FY 2004-2005 Parks & Recreation Department budget target and the FY 2004-2005 Sheriff's Office budget target will be restated/right-sized for the full-year impact of the FY 2003-2004 funds being transferred (General Fund, Spur Cross Fund and Lake Pleasant Fund). (This item continued from the meeting of September 24, 2003.) (C30040028) (ADM3200-003) (ADM3246) (ADM3900)

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The Deputy Clerk announced that Addendum item A-1 was continued to the November 5, 2003, meeting.

**MARICOPA COUNTY INTEGRATED HEALTH SYSTEM, MARICOPA HEALTH PLANS SETTLEMENT AGREEMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the MIHA settlement agreements, as follows: (This is addendum item A-2.) (ADM409) (ADM2100)

- a) Scottsdale Healthcare Hospitals in the amount of \$1,356,716 for dates of service prior to March 1, 2003;
- b) Renal Care Group in the amount of \$59,467.08, for dates of service prior to August 1, 2003; and
- c) Vanguard Health Systems Inc., in the amount of \$2,898,375, for dates of service prior to March 5, 2003.

Also approve the MIHS-HP Aggregate Claims Resolution Process, to be utilized in subsequent settlements. (Discussed in Executive Session on October 20, 2003.) (C6004101M)

**PUBLIC HEARING – SUPERIOR COURT – CASE MANAGEMENT FEE AMENDMENT**

Chairman Brock called for a public hearing on this item. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment to the current Case Management Fee to include an additional \$100 fee, to be assessed upon each party in any civil, pre-decree family, probate and tax case on the 26th combined filing, and on every subsequent 25th combined filing (the 51st, 76th, 101st, et seq.); and, authorize but do not require immediate imposition and collection of this fee in post-decree Family Court matters. The parties on whom the fee will be assessed shall be as defined in a Superior Court Administrative Order and any succeeding orders. Except in post-decree Family Court matters, the fee will be assessed and collected in cases filed on November 1, 2003 and thereafter. Assessment and collection of this fee in post-decree Family Court matters will be deferred until the Court implements necessary changes to the iCIS system. Authority for this request is based on ARS §11-251.08 and State of Arizona Attorney General Opinion I95-18 (R94-63). This fee does not exceed the actual cost of the service and will be deposited by the Clerk of the Court in the Superior Court Special Revenue Fund (Fund 259) for disbursement on approval of the Presiding Judge with expenditures subject to appropriation by the Board of Supervisors. (This hearing continued from the meeting of October 8, 2003.) (C38040068) (ADM1005)

**PUBLIC HEARING – JUSTICE COURTS – CASE MANAGEMENT FEE**

In accordance with ARS §11-251.08, Chairman Brock called for a public hearing on this item. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize implementation of a Justice Courts Case Management Fee of \$10 in small claims, forcible detainer and civil actions to be assessed upon the plaintiff at the time of initial case filing, effective November 1, 2003. The Justice Courts Case Management Fee will not apply to cases referenced in ARS §22-282(B) (in which money judgment only is sought and the amount sought does not exceed \$50.) (C24040027) (ADM1005)

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**PUBLIC HEARING – ENVIRONMENTAL SERVICES – RULE 324**

As required by ARS §49-479(b), Chairman Brock called for a public hearing on this item. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt proposed new Rule 324, Stationary Internal Combustion Engines, and to submit the rule as a revision to the (Arizona) State Implementation Plan (SIP). (C88040077) (ADM2102)

**PUBLIC HEARING - LIQUOR LICENSE APPLICATION**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley and seconded by Supervisor Kunasek, to recommend approval of the following liquor license application:

Application filed by Robert McGuire Walters for a Special Event Liquor License: (F23105)

Organization:	Sun Health Auxiliary
Location:	10401 Thunderbird (parking lot), Sun City
Date/Time:	Saturday, November 1, 2003; 9:00 a.m. to 4:00 p.m.

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilson voting "aye" and Supervisor Brock voting "no." (Supervisor Wilcox was absent.)

**ROAD DECLARED (ROAD FILE NO. A223)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following resolution be adopted: (C64040685)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 24<sup>th</sup> day of September, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway known as 104<sup>th</sup> Street lying within Crestview Manor, a subdivision of a portion of the Southwest quarter (SW¼) of Section Fourteen (14), recorded in Book 288, page 44 of Maps, MCR, and also shown in Crest View Park, a subdivision of part of the Southwest quarter of the Southeast quarter (SW¼SE¼) of said Section 14, recorded in Book 77, page 50 of Maps, all, in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County Arizona; together with, the East 30 feet of the East 165 feet of the North 85 feet of the Southeast quarter of the Northeast quarter of the Southeast quarter of the Southwest quarter (SE¼NE¼SE¼SW¼) of said Section 14; and the East 40 feet of the (NE¼NE¼SE¼SW¼) of said Section 14.

(Said alignment is also known as 104<sup>th</sup> Street, from University Drive to Quarterline Road of Maintenance in Supervisor District No. 2)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

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**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 22<sup>nd</sup> day of October 2003.

**ROAD DECLARED (ROAD FILE NO. 5287)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following resolution be adopted: (C64040887)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 24<sup>th</sup> day of September, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Bethany Home Road from Perryville Road to Citrus Road

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

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**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 22<sup>nd</sup> day of October 2003.

**ROAD DECLARED (ROAD FILE NO. 5288)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following resolution be adopted: (C64040897)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 24<sup>th</sup> day of September, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Anthem Unit 12, a subdivision as shown in Book 522 of Maps, Page 36, M.C.R., and in the vicinity of Gavilan Peak Parkway and Daisy Mountain Road.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 22<sup>nd</sup> day of October 2003.

**ROAD DECLARED (ROAD FILE NO. 5289)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following resolution be adopted: (C64040907)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 24<sup>th</sup> day of September, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

That portion of the right-of-way on Anthem Way as shown on the Amended Map of Dedication Roadway A and D, Book 480 of Maps, Page 37, M.C.R., beginning 3747 feet (Sta. 22+71.20+/-) westerly of Gavilan Peak Parkway (Sta. 60+18.25) to a point 8822.42 feet easterly (Sta. 148+40.67); and

That portion of the right-of-way on Gavilan Peak Parkway as shown on the Amended Map of Dedication Roadway A and D, Book 480 of Maps, Page 37, M.C.R., beginning at Sta. 96+07.92 then southerly of Anthem Way to Sta. 27+00; and

Tracts "A" through "N" along Anthem Way and Gavilan Peak Parkway as shown on the Map of Dedication Anthem Way and Gavilan Peak Parkway Additions Tracts A through N, Book 501 of Maps, Page 29, M.C.R.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

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**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 22<sup>nd</sup> day of October 2003.

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between Maricopa County and the City of Phoenix for the exchange of services. The agreement will not exceed three years unless extended by appropriate actions by the county and the city. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice. The Recorder's Office will gain access to a Kodiak Digital Archive Writer in the event of an emergency, and the City of Phoenix will receive daily images of recorded documents on compact disks. (C36040012)

**AMENDMENT TO LEASE WITH SQUARE ONE, L.L.C.**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute Amendment to Lease No. L7196 with Square One, L.L.C., (formerly Interwest Properties) Lessor for a 41,780 square foot warehouse/office building located at 2025 East University Drive. The amended term of the lease shall be extended from February 1, 2004, to June 30, 2004. The lease extension will allow for completion of the new Elections facilities at 320 West Lincoln Street. Rent for the full service lease from February 1, 2004, through April 30, 2004, is \$20,282.08 per month, May 1, 2004, through June 30 2004, is \$20,484.91 per month. If the Lessee has totally vacated the premises prior to May 1, 2004. the monthly rent will remain at \$20,282.08 through June 30, 2004. (CS946047) (C21040034)

**ESTABLISHMENT OF NEW VOTING PRECINCTS AND REDISTRICTING OF BOUNDARIES AND LIMITS OF ELECTION PRECINCTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve establishment of new voting precincts and to approve redistricting of the boundaries and limits of election precincts as shown on the maps on file with the clerk of the board of supervisors and accompanying legal descriptions, incorporated herein by reference, all as required by state law (ARS

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§16-411), effective immediately upon the date of preclearance by the U.S. Department of Justice. (C21040057) (ADM1706)

Karen Osborne commented that the County added 33 new voting precincts, mostly due to population growth, making a total of 1,058 precincts and this had been done without changing most of the district lines although 16 of the 20 legislative districts did change configuration.. She said there were 16,572 hits on their website in the 30-day period preceding the election to look at the new maps. Helen Purcell, County Recorder, also received compliments from the Board since Elections is in the Recorder's Office.

Supervisor Wilson said he absolutely favored renaming the precinct in which former U.S. Senator Bob Stump was raised and where his farm was located in his name to honor the many years Mr. Stump devoted to public service.

**PARTICIPATION IN DONATION PROGRAM OFFERED BY AMERICAN HONDA MOTOR CO., INC., VoTECH HONDA, SCHOOL ASSISTANCE PROGRAM, AND TEMPORARY ADDITIONS TO THE FLEET**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Maricopa County Sheriff's Office (MCSO) to participate in a donation program offered by American Honda Motor Co., Inc., VoTech Honda, School Assistance Program, allowing the Sheriff's Office to receive donations of new, damaged vehicles from Honda for the sole use as instructional aids for the MCSO Training Division, e.g., training exercises: traffic stops, high risk vehicle stops, and field problems. These vehicles, a maximum of three at any given time, would be temporary additions to fleet. The vehicles cannot be issued license plates nor can they be driven on public streets. Program participation requires that:

- a) Any donated vehicles no longer suitable for educational purposes be scrapped and disposed of in a manner that renders all parts unusable, with proceeds being retained for use solely in the training program, or
- b) Vehicles no longer needed be transferred to another educational institution.

Repair and maintenance will be funded from existing sources in the MCSO Training Division. (C5004029M) (ADM3900)

F. L. "Trux" Truxon, Director of Equipment Services, responded to a question from Chairman Brock on accepting donations of vehicles and on hybrid vehicles by explaining that their policy will be an aggressive one when reviewing any additions to the fleet. He said they planned to reduce fleet density when possible and added that policy would be, "If you are ordering something, we expect you to turn something in unless there are valid reasons for an addition to the fleet." He indicated that this agenda item was regarding a temporary addition as a training vehicle and the vehicle does not require licensing or titling. He said that hybrid and bio-diesel testing were still in the future but being planned for at this time.

**MEMORANDUM OF UNDERSTANDING WITH ARIZONA DEPARTMENT OF PUBLIC SAFETY**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Memorandum of Understanding (perpetual agreement) between the Arizona Department of Public Safety (AZ DPS) and the Maricopa County Sheriff's Office (MCSO) that establishes a working framework between the AZ DPS and the MCSO to coordinate the collection, analysis, and



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dissemination of information related to violent crimes within Maricopa County, and the timely forwarding of information collected by the MCSO via the FBI ViCAP Crime Analysis Report form to the AZ DPS and subsequently to the FBI. The term of this agreement begins when both parties have signed and continues until either of the participating agencies provides written notice of their intent to withdraw to the other agency participants. (C50040302)

**TRANSFER EXPENDITURE AUTHORITY**

Per ARS §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$1,054,448 (annualized impact is \$2,167,736) from General Government (470) Detention Fund (Fund 255) Reserved Contingency/New Facility Operating Costs to the Juvenile Probation (270) Detention Fund (Fund 255). Approval of this action will allow the department to create, recruit, hire and train detention staff for the increased support required by the new Southeast Detention Center, which is due to open in October 2003. Further, this action will allow the purchase of phased-in computer hardware and software for the facility. (C27040108) (ADM1400-003)

**TRANSFER IN EXPENDITURE APPROPRIATION**

In accordance with ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of not-to-exceed \$100,000 in expenditure appropriation from General Government (470) General Fund (Fund 100) General Contingency (4711) to a new program in General Government (470) General Fund (Fund 100) Other Programs (4712) entitled "Internet Subscription Service" to fund this new service. (C20040068) (ADM1600-003)

**SETTLEMENT AGREEMENT WITH LARRY PHILLIPS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve settlement agreement with Larry Phillips in the amount of \$4,202.18. (Discussed in Executive Session on October 6, 2003.) (C54040011) (ADM409)

**REJECT CLAIM DEMANDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reject claim demands (September 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$393,953.79 and ARS §11-622 \$-0-) (C39040057) (ADM1804)

**MONTHLY SUMMARY REPORT  
September 2003**

<b>VENDOR</b>	<b>AMB., DOCTORS, HOSP. ARS 11-629</b>	<b>Over Six Months ARS 11-622</b>
Arrow Surgical Associates	1,815.00	0.00
Banner Desert Medical Ctr	853.80	0.00
Banner Good Sam Trauma Service	368.00	0.00

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Banner Good Samaritan Reg Med	93,475.95	0.00
City Of Phoenix Ambulance	1,534.02	0.00
Maricopa Health Systems	144,098.88	0.00
Medpro	59,421.75	0.00
Neurological Surgeons, Pc	303.00	0.00
Oasis Anesthesia	1,530.00	0.00
Phoenix Baptist Hospital	16,856.50	0.00
Phoenix Memorial Hospital	4,906.71	0.00
Professional Diagnostix	128.00	0.00
Professional Medical Transport	825.77	0.00
Pueblo Family Physicians, Ltd	95.00	0.00
Rural Metro Ambulance	19,168.49	0.00
Southwest Ambulance	27,009.84	0.00
St Josephs Hosp Arizona	17,038.08	0.00
Valley Anesth Consultants Ltd	3,600.00	0.00
Voss, Peter Md Pc	840.00	0.00
Western Medical, Inc	85.00	0.00
<b>Grand Totals:</b>	<b>393,953.79</b>	
Restitution		0.00
<b>Total Denials:</b>	<b>393,953.79</b>	

**PERSONNEL AGENDAS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. (List on file in the Clerk of the Board's Office.)

**EXPENDITURE APPROPRIATION ADJUSTMENTS**

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following expenditure appropriation adjustments totaling \$381,232 (\$189,946 for the General Fund and \$191,286 for the Detention Fund): reduce General Government General Fund General Contingency (100-470-4711) in the amount of \$189,946, and reduce General Government Detention Fund Reserved Contingency/New Facility Operating Costs (255-470-4711) in the amount of \$191,286, and increase the Facilities Management Departmental (700) General and Detention fund budgets by the amounts referenced. Approval of this action will allow the Facilities Management Department to operate and maintain these new facilities. The annualized impact of this request will be recommended by OMB as part of the FY 2004-2005 budget development process. (C49040108) (ADM1825)

**EXPENDITURE APPROPRIATION ADJUSTMENTS**

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following expenditure appropriation adjustments totaling \$1,223,550 for the Detention Fund: reduce General Government Detention Fund Reserved Contingency/New Facility Operating Costs (255-470-4711) in the amount of \$951,550 and reduce the Appropriated Fund Balance Detention Startup Contingency (255-480-4811) in the amount of \$272,000, and increase the Facilities Management Department (700) Detention Fund (255) budget in the amount of \$951,550, and create a new line in Appropriated Fund Balance (255-480) Other Programs (4812) entitled "New Facility Start-up Expense-FMD" in the amount of \$272,000. Approval of this action will allow the

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Facilities Management Department to operate and maintain the new detention facilities coming on-line. The annualized impact of this request will be recommended by OMB as part of the FY 2004-2005 budget development process Fund Reserved Contingency/Facility. (C49040118) (ADM1825)

**MARICOPA COUNTY REGIONAL TRAIL SYSTEM PLAN – PHASE TWO**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and adopt the Maricopa County Regional Trail System Plan, Phase Two. (C3004005B) (ADM3205)

Supervisor Kunasek said that Phase two opens the eastern portion of the trail route from the north to the south of the County and it is currently ahead of schedule. He said there would be a groundbreaking ceremony November 12 on the first segment from I-17 to 7<sup>th</sup> Avenue.

Chairman Brock explained that this trail system, which will extend all around the County, has been fully supported by the Board since inception and it has mostly been spearheaded by Supervisors Kunasek and Stapley. He said that it would add greatly to the quality of life for all residents of the County and visitors to the region.

Supervisor Stapley reported that the people in his district are very excited to see this finally coming to fruition after so many years of talking about it. He said the system collectively will link all of the County parks and whenever possible also include links to existing trails from city parks and other open space preserves already affording hiking and trail-type activities. He said that this is a massive undertaking and will be a tremendous asset for the entire region. "It's a long term vision that will take time to complete and the groundbreaking for Phase Two is very exciting for those who have planned for it." Phase Two will essentially take the trail from Cave Creek south to the San Tan Mountains.

**TRANSFER IN EXPENDITURE APPROPRIATION**

In accordance with ARS §42-17106B, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of \$35,279 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) entitled "Parks & Recreation Guadalupe Road Bridge" to a new project in Appropriated Fund Balance (480) General Fund (Fund 100) Major Maintenance (4832) entitled "Estrella Mountain Regional Park Campground Design" to accommodate unanticipated carryover for the Brooks, Hersey & Associates' professional services contract to be performed in connection with this project. Funds that are being reallocated will not be expended in FY 2004 due to the timing of the bridge project. The net result to the budget is zero. The Guadalupe Road Bridge Grant Match will be funded in its entirety in FY 2005. (C30040068) (ADM3200-003)

**USE MANAGEMENT AGREEMENT WITH CYCLING EVENT PROMOTIONS, INC.**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and execute a Use Management Agreement with Cycling Event Promotions, Inc, an Arizona corporation, to promote and stage the Dust Devil Mountain Bike Racing Series in three Maricopa County Parks: McDowell Mountain Park, Estrella Mountain Park and White Tank Mountain Park during FY 2004. The term of this agreement shall be an annual agreement with three renewal options, subject to the approval of the county. Estimated revenue from this agreement is \$2,000 and is budgeted in the Parks & Recreation Department adopted budget for this fiscal year. There will be no expenditure of county funds on this project. (C30040071)

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**CONSULTANT CONTRACT WITH DWL ARCHITECTS, INC.**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and award a consultant contract to DWL Architects, Inc., in an amount not-to-exceed \$50,640 for the New River Senior Center, CDBG project number DG0108. (C1702009001)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the City of Surprise and authorize an expenditure of \$2,000 for matching funds, for three Household Hazardous Waste (HHW) Collection events to be conducted in the Northwest Valley. The events will be held in the Cities of Surprise, El Mirage and Sun City/Sun City West. (C67040022)

**FUND TRANSFERS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**PILOT COMMERCIAL ADVERTISING POLICY - CONTINUED**

Item: Approve a pilot commercial advertising policy to be tested by the County Assessor's Office for a period of one year from date of approval. If analysis of the pilot results determine that continuation of the policy is advantageous to Maricopa County, the Board of Supervisors will be asked to consider permanently implementing the policy. (C73040036) (ADM631-005)

Supervisor Wilson said he still had reservations on supporting this item and asked that it be continued for additional time to review it more thoroughly.

Supervisor Stapley said this item is a very innovative, cutting-edge idea and this is why it is planned as a one-year pilot program. He indicated that during that year it can be analyzed thoroughly before a decision is made to adopt it permanently. It could also be quickly discontinued if it does not prove itself. He added that he had no problem in continuing the matter.

Supervisor Kunasek said he had discussed his earlier concerns with the Assessor and he would support the matter at this time. However, he also supported the continuance, saying, "But I look forward to moving ahead with this in November."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this matter to the November 19, 2003, meeting.

**SOLICITATION SERIALS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to

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County Counsel's review and approval of the respective contracts and subsequent execution of contracts.  
(ADM3005)

**Solicitation Serials:**

**03044-S  
CONTINUED  
TO 11/5/03**

**MITIGATION SERVICES SPECIALIST(S)** (\$350,000 est/two (2) years w/four one year renewal options) (This item continued from the meetings of September 24 and October 8, 2003.)

Award of a two year (2) contract for Mitigation Services Specialist(s) who will investigate, evaluate and present psychosocial and other mitigation evidence for indigent representation.

- Alan L. Ellis
- Christine Lawrence
- Connie A. Curtin
- David K. Wilcox
- Kerri Logan
- Marla V. Ruiz
- Michelle McCloskey
- Nora Shaw Investigations
- Randall Walker
- Tyrone Mayberry

**03029-C**

**CANDY, SNACKS, FROZEN FOOD & BAKERY ITEMS** (\$3,000,000 est/two (2) years, with three one-year renewal options)

Award for the purchase of candy, snacks, frozen food and bakery items for the Sheriff's Department Food Services and Inmate Canteen.

- DPI-Epicurean Fine Foods
- Jenny Service Company
- Keefe Supply Company
- Kellogg Supply Inc.
- Shamrock Foods
- Vend source
- Vistar/VSA

**03042-RFP**

**AVAYA ENTERPRISE COMMUNICATIONS SYSTEM** (\$8,000,000 est/five (5) years)

Five-year pricing agreement to Avaya Inc. for an Avaya Enterprise Communication System to be used by the Sheriff's Office in their new jail facilities. This award is contingent on final negotiation and contract execution.

- Avaya, Inc.

**03081-C**

**ON-SITE DRUG TESTING KITS** (\$210,000 est/three (3) years, with three one-year renewal options)

Award for the purchase of on-site drug testing kits for the Sheriff's Department.

- American Bio Medica Corporation

**03149-S**

**CONSULTIVE MENTAL/BEHAVIORAL HEALTH SERVICES FOR HEAD START CHILDREN AND FAMILIES** (\$225,000 est/three (3) years with three one-year renewal options)

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Award to provide Consultive Mental/Behavioral Health Services to Head Start Children and Families as requested by the Human Services Department.

- Empact-SPC

**Sole Source:**

- a) Sole source procurement for Montel Mobile Shelving (Schoolcraft is the sole authorized distributor in Arizona) and installation which will be utilized by Maricopa County Capital Facilities Development. These additional units are identical to the shelving already installed in the Lower Buckeye Jail Adult Facility. Value of this sole source procurement will not exceed \$125,000. This request has been formally advertised in accordance with the Maricopa County Procurement Code and no other suppliers have demonstrated a capability to provide "like" equipment. (C73041071)
  - Schoolcraft
- b) Sole source purchase to Bridges Learning Systems Inc. for purchase, maintenance and upgrades of Bridges learning development curriculum used by the Small Schools Department. This software was initially purchased from this company before the Small Schools Department was under the county procurement code. The county is not aware of any alternative providers of this product. The total value of this procurement is \$30,000 and future upgrades will be subject to budgetary approvals. This procurement was advertised in accordance with the County's Sole Source Procedure. (C73041081)
  - Bridges Learning Systems, Inc.

**Contract Extension:**

The extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until November 30, 2004**

- 01143-C DAIRY PRODUCTS: COTTAGE CHEESE, MILK ALL TYPES** (\$500,000 est/one (1) year)  
One year extension of pricing agreement for dairy products. This contract is utilized by the Sheriff's Food Service.
- Lively Distributing, Inc.

**Increase in the contract amount for the following contract(s).** This is due to an increased usage by County departments:

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**00162-L      OPERATIONAL LEASE AND RENTAL OF TRUCKS, TRAILERS AND TRACTORS**

Increase contract value from \$2,000,000 to \$2,500,000. The Sheriff's has requested this \$500,000 increase in order to provide refrigerated trucks and trailers to the Sheriff's Food Services Division until the new Food Handling Facilities at the Durango Complex are completed. Initial contract was approved by the Board of Supervisors on December 20, 2000.

- Penske Truck Leasing Company
- Xtra Lease

**CAPA Training:**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Telecommunications**

William Maynard  
Sharon Gilbert

**Sheriff's Office**

Mary Ann Martos  
Robert Barcelo  
Dorothy Gallagher

**Library**

Alfred Ramirez  
Penny Hatten  
Pota (Patty) Tammaro  
Kathy Bolls

**Constables**

David Alster

**Correctional Health**

Christine Payne

**MARICOPA COUNTY v. BRIDWELL CV 2000-019300**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa County v. Bridwell CV 2000-019300 agreement for an assignment of bad faith claim for up to \$177,993.06 against an insurance agent. (Discussed in Executive Session on September 8, 2003.) (C75040051) (ADM409)

**AGREEMENT WITH FOOTHILLS ANIMAL RESCUE, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an agreement between Foothills Animal Rescue, Inc., a 501 (c) 3 non-profit corporation, PO Box 4175, Cave Creek, AZ 85331, and Maricopa County to allow Foothills Animal Rescue, Inc. to rescue animals eligible for the New Hope Program. The loss of revenue of \$1,000 is based on the license fee that would be generated through the New Hope program without this agreement. The term of the agreement is from October 22, 2003, through October 21, 2006. (C79040311)

**KENNEL PERMIT**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the issuance of a kennel permit for Sue Nix, dba Nix Kennels, 2505 East Louise Drive, Phoenix, AZ 85032, for the term of October 22, 2003, through October 21, 2004. (C7904032C) (ADM2304)

**KENNEL PERMIT RENEWALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of October 22, 2003, through October 21, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. The cost of each kennel permit is \$90. (C7904033C) (ADM2304)

- a) Betty Yerington, dba Yerbrier Kennels, 5447 South El Mirage Road, Tolleson, AZ 85353, Permit No. 090
- b) Gene or Helen Cowart, dba Cowart Kennels, 16252 South Tuthill Road, Buckeye, AZ 85326, Permit No. 269; and
- c) Scott Heywood, dba Eye Dog Foundation, 8252 South 15<sup>th</sup> Avenue, Phoenix, AZ 85041, Permit No. 335.

**KENNEL PERMIT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the issuance of a kennel permit for Elza Zile, dba Puppy Pal Kennels, 7735 West Alta Vista Road, Laveen, AZ 85339, for the term of October 22, 2003, through October 21, 2004. (C7904035C) (ADM2304)

**KENNEL PERMIT RENEWALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of October 22, 2003, through October 21, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. The cost of each kennel permit is \$90. (C7904036C) (ADM2304)

- a) Boyd Young, dba Chieftain Kennels, 2747 West Highland Avenue, Phoenix, AZ 85017, Permit No. 314
- b) Susan Anderson, dba Clearwater Kennels, 7601 North 185<sup>th</sup> Avenue, Waddell, AZ 85355, Permit No. 338
- c) Billie Jo Maxey, dba Maxey Kennels, 16047 North 67<sup>th</sup> Lane, Peoria, AZ 85382, Permit No. 373

**INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS CITIES/TOWNS REGARDING CREATION OF ENTERPRISE ZONE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement among the cities/towns of Avondale, Buckeye, El Mirage, Gila Bend, Glendale, Goodyear, Guadalupe, Peoria, Phoenix, Surprise, Tolleson, Youngtown each a municipal corporation, and the Gila River Indian Community and the County of Maricopa, a political jurisdiction of the State of Arizona which provides for the creation of an enterprise zone. The enterprise zone program's intent is to improve economically depressed sections of municipalities and rural areas through the development of job crating uses and the inducement of capital investment. The governing



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body of the involved jurisdictions shall establish a joint commission, the Enterprise Zone Commission, to serve as the governing body of the proposed enterprise zone, and each of said entities shall adopt an appropriate resolution to create the commission. (C2204106M)

**AMENDMENT TO CONTRACT WITH CONCILIO LATINO de SALUD**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 1 to contract with Concilio Latino de Salud for the provision of HIV education services to individuals and families affected by HIV/AIDS. The amendment increases the contract dollar amount by \$33,296, and replaces the budget narrative and fee schedule, effective upon Board approval. Total funding for the period ending February 29, 2004, will increase from \$19,312 to \$52,608. (C8603710101)

**NON-FINANCIAL AFFILIATION AGREEMENT WITH BANNER HEALTH SYSTEM dba GOOD SAMARITAN REGIONAL MEDICAL CENTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a non-financial affiliation agreement with Banner Health System dba Good Samaritan Regional Medical Center to allow their participation in the Family Practice Residency Program in public health/community medicine. The term of the agreement is from Board approval to June 30, 2008. (C86040040)

**REVISED APPROPRIATED FUND BALANCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a revised Appropriated Fund Balance (Dept 480), General Fund (100), Technology Projects (Org 4814) HR System Upgrades (The Eagle Project) budget for FY 2003-2004 from \$6,922,624 to \$5,586,701. The adjustment is being made to correct the appropriated fund balance and accurately represent the FY 2003-2004 portion of this multi-year budget. This adjustment does not alter the duly adopted budget for purposes of A.R.S. §42-17105, but rather, reflects internal structural adjustments. (C41040028) (ADM2700-003)

**CHANGE ORDER TO CONTRACT WITH HUNT JACOBS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No. 4 to Contract JE98-01 with Hunt Jacobs, A Joint Venture for Program Management Services to the Maricopa County Jail Expansion Program. Change Order No. 4, in the amount of \$2,250,000, is necessary due to increased scope of work in the Jail Expansion Program, including the addition of double bunking, delays, and claims analysis. This Change Order is anticipated to cover the increased scope of work through the completion of the program in FY 2003-2004 and is within the program budget. (C4799003103)

**CHANGE ORDERS TO CONTRACT WITH McCARTHY BUILDING COMPANIES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order Nos. 21 and 22 to Contract JE01-04 with McCarthy Building Companies in the amount of \$255,318 and \$151,436, respectively. This contract is for the construction of the 4th Avenue Jail Adult Detention Facility. These change orders incorporate various changes required to complete construction and allow occupancy of the building. The increase is within the budget. (C4001011003)

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**MINOR CHANGES TO THE MARICOPA COUNTY EMERGENCY OPERATIONS PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following minor changes to the Maricopa County Emergency Operations Plan (EOP) dated August 2003. This item was approved by the Board of Supervisors on August 27, 2003 (No. C15040266). There is no financial impact to the county as a result of these changes to the plan. (C1504026601) (ADM903)

- a) Page xi – updated to reflect the changes to pages 29, 30, and 59.
- b) Page 29 – under County Administrative Officer's line of succession, "Chief Public Works Officer" is changed to "Chief Regional Development Services Officer."
- c) Page 30 – under Chief Community Services Officer's line of succession, the Director of Housing is eliminated.
- d) Page 59 – the emergency declaration format is changed to reflect that the Chairman of the Board of Supervisors, not the Board as a whole, is authorized to govern by proclamation during a declared local emergency.

**CONTRACT WITH KIMLEY-HORN AND ASSOCIATES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Consultant Services Contract No. CY 2004-25 with Kimley-Horn and Associates, Inc. in an amount not-to-exceed \$189,995.93 for the preparation of an Emergency Evacuation Strategy/Plan for Maricopa County, Work Order No. 60003001. On March 5, 2003, the Board of Supervisors approved Agenda item C15030083 which was a request to approve and accept \$368,980 in FEMA 2002 Supplemental Grant Funding. This grant funding was to be used, in part, to fund the county's mass evacuation plan. The Maricopa County Department of Transportation (McDOT) will be the lead agency regarding this project and will manage this contract. (C15040290)

**TRANSFER EXPENDITURE AUTHORITY**

Per ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount \$66,492 from General Government (470) General Fund (100) Reserved Contingency-Unfunded Liabilities (4711) to General Government (470) General Fund (100) Other Programs – State Property Acquisition Expenses (4712). These funds will be used to provide maintenance and security requirements for the properties to be transferred from the State of Arizona to the County of Maricopa. Approval of the funding will provide for limited services at the Black Canyon location from November 1, 2003, until March 31, 2004, and for limited services at the 32nd Street & Van Buren location from November 1, 2003, until December 31, 2003. Maricopa County will work with the existing utility; security and maintenance providers to provide these services and will issue purchase orders through Materials Management. In the event that new services are required or that the existing State of Arizona providers do not wish to continue services for Maricopa County at the same rate as was provided to the State of Arizona, Facilities Management will use existing county contract vendors or will obtain quotes for the necessary services to facilitate the completion of these services. (C70040238) (ADM800)

**REALLOCATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and authorize the following:

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- a) FY 2003-2004 Major Maintenance Expenditure Budget reallocation of \$700,000 from Project No. 2001202115 West Courts Building Infrastructure Improvements (Renovate Lower Level), Fund 100, Appropriated Fund Balance Agency 480, Org. 4832, Object Code 0915.01, Function Class WCII to Project No. 2002301398 Old Court House Building Infrastructure Improvements (Phase 3), Fund 100, Appropriated Fund Balance Agency 480, Org. 4832, Object Code 0915.01, Function Class OOHl.
- b) In accordance with ARS §42-17106(B), authorize and approve a transfer and expenditure of \$170,000 from the FY 2003-2004 Appropriated Fund Balance (480) General Fund (Fund 100) Reserved Contingency (4811) line item CIP Contingency to the Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) Project Old Court House Building Improvements (Function Class OOHl) FY 2003-2004 Year 1 budget.

These changes will result in a net increase to the FY 2003-2004 Major Maintenance Plan Appropriated Fund Balance of \$170,000, with a countywide net impact of zero. (C70040248) (ADM800)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

- A264.007 (AC) Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 400-51-001P, 002D - Equity Income Partners Limited Partnership, an Arizona Limited Partnership - for the sum of \$21,270.00.
- A264.007 (AC) Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 400-51-001P, 002D - Equity Income Partners Limited Partnership, an Arizona Limited Partnership.
- A264.008 (AC) Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 400-50-006 - Richard A. Daugherty and Lenora L. Daugherty - for the sum of \$13,195.00.
- A264.008 (AC) Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 400-50-006 - Richard A. Daugherty and Lenora L. Daugherty.
- A264.011 (AC) Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 400-51-002J, 002L - Bobby L. Looper, Sr. - for the sum of \$11,016.00.
- A264.011 (AC) Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 400-51-002J, 002L - Bobby L. Looper, Sr.
- A267.021 Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Special

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- (LJS)           Warranty Deed - Parcel No. 303-33-005B - Schrader Farms, Inc., an Arizona corporation - for the sum of \$162,563.00.
- A267.021-1     Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Temporary  
(LJS)           Construction Easement and Agreement for Highway Purposes - Parcel No. 303-33-005B - Schrader Farms, Inc., an Arizona corporation - for the sum of \$700.00.
- A267.021-2     Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Drainage  
(LJS)           Easement - Parcel No. 303-33-005B - Schrader Farms, Inc., an Arizona corporation - for the sum of \$32,000.00.
- A267.021       Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) – Purchase  
(LJS)           Agreement and Escrow Instructions - Parcel No. 303-33-005B - Schrader Farms, Inc., an Arizona corporation.
- A267.022-5     Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Agreement  
(LJS)           for Right of Entry - Parcel No. 303-33-011C - Dennis DeWulf and Kathy DeWulf - for the sum of \$100.00.
- A273.001       Project No: 69010 - PM 10, Rainbow Trail (Airport Road - Tuthill Road) - Easement and  
(CS)           Agreement for Highway Purposes - Parcel No. 400-52-020J - Jerry A. Connelley - for the sum of \$4,000.00.
- A273.001       Project No: 69010 - PM 10, Rainbow Trail (Airport Road - Tuthill Road) - Purchase  
(CS)           Agreement and Escrow Instructions - Parcel No. 400-52-020J - Jerry A. Connelley.
- A288.007       Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) - Addendum to  
(AC)           Easement and Agreement for Highway Purposes - Parcel No. 211-51-052C - Christina Lee Monk - for the sum of \$4,826.00.
- X-0540          Project No: 68927 - Ellsworth Road (Germann to Baseline) - Warranty Deed - Parcel  
(CS)           No. 304-02-001C, 001D - Anna Lou Kelso as trustee, Julia Craig Kelety, Gordon S.W. Craig, Howard C. Craig - for the sum of \$234,290.00.
- X-0540          Project No: 68927 - Ellsworth Road (Germann to Baseline) - Purchase Agreement and  
(CS)           Escrow Instructions - Parcel No. 304-02-001C, 001D - Anna Lou Kelso as trustee, Julia Craig Kelety, Gordon S.W. Craig, Howard C. Craig.
- X-1175-2       Project No: 68911 - Indian Springs Road (Estrella to 123rd Avenue) - Drainage  
(TS)           Easement - Parcel No. 400-01-013F - Keith R. Lohr and Brenda L. Lohr - for the sum of \$1,000.00.
- X-1175-2       Project No: 68911 - Indian Springs Road (Estrella to 123rd Avenue) - Purchase  
(TS)           Agreement and Escrow Instructions - Parcel No. 400-01-013F - Keith R. Lohr and Brenda L. Lohr.
- X-1552          Project No: 68927 - Ellsworth Road - Letter Agreement for a Temporary Ingress and  
(CS)           Egress Permit - Parcel No. 304-02-499 - Mesquite Canyon Community Association - for the sum of \$100.00.

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**TRAFFIC CONTROLS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following traffic controls: (F23107)

A Four Way Stop (from a two-way east/west Stop) at Empire Blvd. and Ellsworth Road. (This partially rescinds the Through Street Resolution on Ellsworth Road dated November 14, 1969). (Supervisorial District No. 1) (C64041035)

**ROAD ABANDONMENT (ROAD FILE NO. 5264)**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64041137)

**WHEREAS**, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

That portion of the Southwest quarter of Section 14, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Section;

THENCE North 00° 22' 03" East, along the West line of said Section, a distance of 1399.68 feet;

THENCE South 89° 37' 57" East, a distance of 70.00 feet to the Point of Beginning;

THENCE South 43° 58' 06" East, a distance of 42.88 feet;

THENCE South 88° 07' 48" East, a distance of 2182.32 feet;

THENCE South 01° 52' 12" West, a distance of 10.00 feet;

THENCE North 88° 07' 48" West, a distance of 2197.03 feet;

THENCE North 43° 52' 52" West, a distance of 21.49 feet;

THENCE North 00° 22' 03" East, a distance of 24.89 feet to the Point of Beginning.

**WHEREAS**, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

**WHEREAS**, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

**NOW, THEREFORE, IT IS ORDERED** that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the

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County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**DATED** this 22<sup>nd</sup> day of October 2003.

**ROAD ABANDONMENT (ROAD FILE NO. 5270)**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64040967)

**WHEREAS**, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A portion of that certain roadway known as 144<sup>th</sup> Street lying within the Southeast quarter of the Southeast quarter of the Southeast quarter (SE¼SE¼SE¼) of Section Thirty-one (31), Township Five (5) North, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is recorded in Docket 4039, page 399, Maricopa County Records, and is described as follows:

The East 55 feet of said SE¼SE¼SE¼ of said Section 31;

Said roadway known as 144<sup>th</sup> Street, from the north boundary of the McDowell Mountain Park, North to the North line of the SE¼SE¼SE¼ of Section 31, T.5N., R.6E)

**WHEREAS**, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

**WHEREAS**, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

**NOW, THEREFORE, IT IS ORDERED** that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**DATED** this 22<sup>nd</sup> day of October 2003.

**INTERGOVERNMENTAL AGREEMENT WITH STATE OF ARIZONA**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the State of Arizona to incorporate design and construction of dual left-turn lanes on Power Road in the State's roadway construction of the San Tan Freeway (SR 202L) at a lump sum cost to the County of \$141,030. This IGA is effective upon filing with the Secretary of State and shall remain in force and effect until completion of the project. Also, in accordance with A.R.S. §42-17106(B), approve an amendment to the current FY 2003-2004, five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) Project Reserves Account, T002, (McDOT No. 69998) capital budget by \$141,030 and adjusting the project as follows:

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Increase the FY 2004 (Year 1) capital budget for the Power Road, Williams Field to Ray Road project, No. T117 (McDOT No. 69038) by \$141,030 for a net impact of zero. (C64040782)

**INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF EL MIRAGE**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following Intergovernmental Agreements between Maricopa County and the City of El Mirage:

- a) Development of a Design Concept Report (DCR) for Olive Avenue from El Mirage Road to Dysart Road. The county will act as the lead agency for preparing the DCR, which is estimated at \$70,000. The preparation of the DCR will be the county's total contribution to the McDOT Project T005, (68884). (C64040932)
- b) Exchange of services or reimbursement of services (Entente Agreement). The agreement will not exceed five years unless extended by appropriate actions by the county and the city. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice. Each task is tracked via a Letter-of-Agreement to ensure that all costs are either received by in-kind services or payment. (C64040942)

**ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE CITY OF CHANDLER**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the annexation by the City of Chandler of county right-of-way within the North 4' of the South 33' of Queen Creek Road, from Gilbert Road east to 65' west of Lindsey Road Center Line, in accordance with City Ordinance No. 3490. (C64040975) (ADM4203)

**ADDITION OF PROJECT TO THE FY 2004 TIP (CIP) BUDGET AND AMENDMENT TO CURRENT FY 2003-2004 FIVE-YEAR CIP**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition of Project No. T150 (McDOT No. 69066), Carefree Highway, 7th Avenue to Cave Creek Road to the Department of Transportation's FY 2004 TIP (CIP) budget, and establish the project budget at \$2,600,000. Also, in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) capital budget for the following projects: (C64040998) (ADM2000-003)

- a) Project T052, Warner Road: Lindsay to Greenfield (McDOT No. 68404) capital budget by \$530,000
- b) Project T069, Elliot Road: Val Vista to Greenfield (McDOT No. 68929) capital budget by \$680,000
- c) Project T079, Val Vista Drive: Ray to Warner (McDOT No. 68955) capital budget by \$530,000
- d) Project T080, Gilbert Road: Williams Field to Ray (McDOT No. 68956) capital budget by \$300,000

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- e) Project T071, 107th Avenue: Rose Garden to Jomax (McDOT No. 68932) capital budget by \$560,000

and adjusting the following project by increasing the FY 2004 (Year 1) capital budget for:

- a) Project No. T150, (McDOT No. 69066), Carefree Highway: 7th Ave to Cave Creek Rd capital budget by \$2,600,000 for a net impact of zero.

**MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F). (List on file in the Clerk of the Board's Office.)

**REVENUE CONTRACT WITH WEXFORD HEALTH SOURCES, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a new revenue contract with Wexford Health Sources, Inc. for the provision of pharmacy services to inmates who are housed in any Yavapai County Jail, effective November 1, 2003, through October 31, 2004. Annual revenue is anticipated to be \$38,988. The contract may be terminated upon 60-days notice. (C90040421)

**APPOINT TERRY MARRON TO THE TRANSPORTATION ADVISORY BOARD**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to appoint Terry Marron to the Transportation Advisory Board, as the District 3 nominee. The term of appointment will be from the date of Board approval through September 7, 2006. (C06040150) (ADM2038)

**HEARING SET – ANIMAL CARE AND CONTROL**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, November 19, 2003, to consider an increase in the Maricopa County dog license late (penalty) fee to be in compliance with recently amendment ARS §11-1008A, the state dog licensing statute. Maricopa County's current license late fee is \$2.00. The state legislature recently revised and increased the late fees to fall within a range of \$2.00 up to a maximum of \$22.00. (C79040347) (ADM2305)

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for (meeting date), 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z2002-013; Z2003-040; Z2003-064; Z2003-073**

**INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (SAN LUCAS APARTMENTS PROJECT)**



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Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (SAN LUCAS APARTMENTS PROJECT) SERIES 2003 IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$13,700,000 (THE "BONDS").**

**MINUTES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held August 27, and September 8, 2003.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

**PAYMENT OF CLAIMS – ARIZONA STATE RETIREMENT SYSTEM**

No claims were presented at this time. (C31040018) (ADM3309)

**CONTRIBUTIONS GENERATED FOR THE 2004 COMBINED CHARITABLE CAMPAIGN**

No contributions were presented at this time. (C88040057) (ADM3311-002)

**CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE**

No contributions were presented at this time. (C2003015M) (ADM652)

**SECURED TAX ROLLS**

<b>TAX ROLL</b>	<b>FROM</b>	<b>TO</b>	<b>NET RESULT</b>
2000	10873	11856	-\$16,703.92
2001	36370	37353	-\$24,663.44
2001	37373	37411	-\$6,091.74
2002	11488	11671	-\$9,960.30
2002	11672	12595	-\$24,405.78
2003	1	609	-\$1,368,588.40
2003	2204	2299	-\$121,428.36

**TAX ABATEMENTS FROM THE TREASURER'S OFFICE**

No abatements were presented at this time. (ADM708)

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**CHECK ENFORCEMENT FUND**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust fund, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2003 through September 2003. (ADM404)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Robert A Block PHD	330536379	Expense	\$300.00
The Arizona Republic	340505106	Expense	\$85.72
Emilio Gardella	330559414	Expense	\$112.50

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Edith V. Darby	Rosevelt SD #66	14-0027400	\$550.44
Arizona School Admin.	Palo Verde SD	49510275	\$285.00
Exterior	EVIT SD #401	430102482	\$475.00
EVIT – Culinary Arts	EVIT SD #401	430073109	\$1.00
Anthony Wilson	Roosevelt SD	14-27657	\$328.71
Julia Torres	Alhambra SD	14-0034490	\$320.77
ASU Bookstore	Phoenix Elem SD #1	43-0079783	\$675.00
Evan Tiras	Fowler SD	14-0021840	\$71.57

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated October 22, 2003. (ADM704)

**2002**

TX 01-000539  
TX 01-000543

**2002/2003**

TX 01-000673

**2003**

ST 02-000291  
TX 02-000504  
TX 02-000554

TX 03-000107

**2003/2004**

ST 02-000300  
ST 02-000301

**2004**

TX 03-000315  
TX 03-000382

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**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
103-04-233	2001	Pedro Alcala	LC/4	LC/3
103-04-233	2002	Pedro Alcala	LC/4	LC/3
103-04-233	2003	Pedro Alcala	LC/4	LC/3
105-34-022	2001	Francisca Verdugo	LC/4	LC/3
105-34-022	2002	Francisca Verdugo	LC/4	LC/3
105-34-022	2003	Francisca Verdugo	LC/4	LC/3
119-26-037	2001	Julie Jones	LC/4	Mixed
119-26-037	2002	Julie Jones	LC/4	LC/3
119-26-037	2003	Julie Jones	LC/4	LC/3
133-28-028	2002	Anne E Moe	LC/4	LC/3
133-28-028	2003	Anne E Moe	LC/4	LC/3
137-03-289	2003	Stephen Peterson	LC/4	Mixed
139-45-100	2001	Ann Heil	LC/4	LC/3
139-45-100	2002	Ann Heil	LC/4	LC/3
139-45-100	2003	Ann Heil	LC/4	LC/3
143-20-216	2003	Rita Tapia	LC/4	LC/3
144-24-207	2003	Barbara Edmonson	LC/4	LC/3
144-62-110	2001	Francisco Garza	LC/4	LC/3
144-62-110	2002	Francisco Garza	LC/4	LC/3
144-62-110	2003	Francisco Garza	LC/4	LC/3
148-07-168	2001	Lucille Ramirez	LC/4	LC/3
148-07-168	2002	Lucille Ramirez	LC/4	LC/3
148-07-168	2003	Lucille Ramirez	LC/4	LC/3
148-13-105	2003	Mary Russo	LC/4	LC/3
148-27-095	2003	Louis Shukstor	LC/4	Mixed
150-04-052	2001	Robert Sybrant	LC/4	LC/3
150-04-052	2002	Robert Sybrant	LC/4	LC/3
150-04-052	2003	Robert Sybrant	LC/4	LC/3
200-44-099	2001	Beverly Hamilton	LC/4	LC/3
200-44-099	2002	Beverly Hamilton	LC/4	LC/3
200-44-099	2003	Beverly Hamilton	LC/4	LC/3
215-72-012	2001	Betty Berryman	LC/4	LC/3
215-72-012	2002	Betty Berryman	LC/4	LC/3
215-72-012	2003	Betty Berryman	LC/4	LC/3
215-80-017	2001	Warren Kaplan	LC/4	LC/3
215-80-017	2002	Warren Kaplan	LC/4	LC/3
215-80-017	2003	Warren Kaplan	LC/4	LC/3
231-02-645	2002	Ellen Straass	LC/4	Mixed
231-02-645	2003	Ellen Straass	LC/4	LC/3
232-22-771	2001	Richard Simcic	LC/4	LC/3
232-22-771	2002	Richard Simcic	LC/4	LC/3
232-22-771	2003	Richard Simcic	LC/4	LC/3

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233-02-109	2001	Linda Wagner	LC/4	LC/3
233-02-109	2002	Linda Wagner	LC/4	LC/3
233-02-109	2003	Linda Wagner	LC/4	LC/3
304-98-855	2001	Edna Perry	LC/4	LC/3
304-98-855	2002	Edna Perry	LC/4	LC/3
304-98-855	2003	Edna Perry	LC/4	LC/3
305-05-084	2002	Jennifer Hanscom	LC/4	LC/3
305-05-084	2002	Jennifer Hanscom	LC/4	LC/3

**WRITE-OFF**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to correct action taken on October 8, 2003, clarifying acceptance of the requested write-off of the Maricopa County Sheriffs Office uncollectible service of process fees in the amount of \$35,980.70 ~~as payment in full~~ for accounting purposes only. (Discussed in Executive Session held September 22, 2003.) (ADM407) (ADM3900)

**PUBLIC COMMENT**

No member of the public came forward to comment at this time.(ADM605)

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Kunasek reiterated his earlier urging for people to come to the ground-breaking ceremony for the first segment of Phase 2 of the County's innovative Trails System, to be held on November 12. This phase will cover the preferred route from the north to the south on the east side of the County and it is ahead of schedule.

Supervisor Stapley urged the public to educate themselves on the facts contained in Proposition 414, to establish a Health Care District, which will be on the ballot November 4. He said that careful consideration was very important for citizens to realize the importance and magnitude of this for future welfare of health care in the County. (ADM606)

Chairman Brock said the approaching holiday season, Halloween, Thanksgiving and Christmas, provided a good time to remind people to consider getting a new pet, or replacing a lost pet, from the County's Animal Care and Control facilities. He said there were thousands of dogs and cats of all ages and pedigrees taken to the facility and that adopting them from Animal Care and Control was much cheaper than going to the pet store and paying considerably more. He felt most could afford Animal Control's minimal cost that includes neutering, micro-chipping, and all appropriate shots for each animal. He added that information and pictures of the animals are available on the County's website, [www.Maricopa.gov](http://www.Maricopa.gov).

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

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1.     **S2003-32        District 4**  
      **Applicant:**     Pulte Home Corporation  
      **Location:**     Northwest of the northwest corner of El Mirage Rd. & Deer Valley Rd. (in the Sun City West area)  
      **Request:**       Final Plat in the R1-6 R.U.P.D. zoning district for Corte Bella Country Club Unit F (approximately 56 gross acres)

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried 4-0-1) to approve this final plat.

2.     **S2003-034     District 4**  
      **Applicant:**     Pulte Home Corporation  
      **Location:**     Northwest of the northwest corner of El Mirage Rd. & Deer Valley Rd. (in the Sun City West area)  
      **Request:**       Final Plat in the R1-6 R.U.P.D. zoning district for Corte Bella Country Club Unit G (approximately 19 gross acres)

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried 4-0-1) to approve this final plat.

3.     **S2003-051     District 3**  
      **Applicant:**     Stanley Consultants, Inc. on behalf of Anthem Arizona, L.L.C.  
      **Location:**     North side of Golf Crest Drive (in the Anthem area)  
      **Request:**       Re-Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 28, Tract "C" (approximately 2.7 acres)

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried 4-0-1) to approve this re-plat.

4.     **Z2003-034     District 5**  
      **Applicant:**     Allan Gustavson  
      **Location:**     Northwest corner of Maryland Ave. & 419<sup>th</sup> Ave. (in the Tonopah area)  
      **Request:**       Rezone from Rural-43 to C-2 P.D. - A & J Tonopah Garage (0.33 ac.)

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of Z2003-034, subject to the following stipulations "a" through "l". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a.     Development and use of the entire site (APN 506-35-019F) shall be in substantial conformance with the site plan entitled "A & J Tonopah Garage" consisting of one (1) full-size sheet, dated July 3, 2003, and stamped received July 14, 2003, except as modified by the following stipulations.
- b.     Development and use of the entire site (APN 506-35-019F) shall be in substantial conformance with the narrative report entitled "Rezoning Request and Plan of Development" consisting of 14 pages, dated July 10, 2003, and stamped received July 14, 2003, except as modified by the following stipulations.
- c.     All landscaping with the County right-of-way shall be in compliance with Chapter 9 of the MCDOT Roadway Design Manual.

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- d. All outdoor lighting shall conform with Section 1112 of the Maricopa County Zoning Ordinance.
- e. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- g. Major changes to this Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- h. Non-compliance with the Plan of Development (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- i. Prior to site development, the property owner must obtain a drainage clearance from the Regulatory Division of the Flood Control District of Maricopa County.
- j. The entire site (APN 506-35-019F) is subject to a Commercial Unit Plan of Development (C.U.P.D.) Overlay Zone to grant relief from screening/buffering requirements. A 6' tall, solid screen wall will be required to buffer adjacent properties to the north and west should they be developed for residential uses – unless expressly waived by the effected property owner(s) of that time.
- k. Prior to zoning clearance, the property owner shall dedicate for the ultimate 40' half-width on Maryland Avenue adjacent to the entire site (APN 506-35-019F).
- l. This Plan of Development (site plan and narrative report) and the conditions of approval supercedes that of case Z 96-8V.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried 4-0-1) to approve this rezoning subject to stipulations "a" through "l."

- 5.      Z2003-067      District 4**  
**Applicant:**      Pulte Homes Corporation  
**Location:**      Northwest of the northwest corner of El Mirage Rd. & Deer Valley Rd. (in the sun City West area)  
**Request:**      Plan of Development for a golf clubhouse in the C-2 C.U.P.D. zoning district – Corte Bella Clubhouse (11.63 ac.)

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**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2003-067, subject to the following stipulations "a" through "i". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in conformance with the narrative report entitled "Corte Bella Country Club Narrative Report", consisting of four (4) pages, dated June 9, 2003, and stamped received September 17, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the Plan of Development entitled "Corte Bella Country Club", consisting of seventeen (17) pages, dated June 9, 2003, and stamped received July 1, 2003, except as modified by the following stipulations.
- c. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- d. All trees shall be double-staked when installed.
- e. All outdoor lighting shall conform to Article 1112 of the Maricopa County Zoning Ordinance.
- f. Major changes to the Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Plan of Development shall require a Citizen Participation Process.
- g. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- h. All stipulations of DMP2001002 and Z2001065 shall remain in effect as may be applicable.
- i. The applicant shall obtain all necessary permits from Maricopa County.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried 4-0-1) to approve this plan of development subject to stipulations "a" through "i."

**REGULAR AGENDA DETAIL:**

- |           |                   |   |
|-----------|-------------------|---|
| <b>6.</b> | <b>Z 99-78</b>    | <b>District 2 (This case continued from meeting of September 24, 2003.)</b>           |
|           | <b>Applicant:</b> | Beus Gilbert P.L.L.C. for Savannah Partners   |
|           | <b>Location:</b>  | Southwest corner of Lone Mountain Rd. & 152 <sup>nd</sup> St. (in the Rio Verde area) |

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**Request:** Re-hearing to determine compliance with approved Special Use Permit (S.U.P.) stipulations for a horse riding and boarding stable in the Rural-190 zoning district – Casa de los Caballos (20 ac.)

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z 99-78, subject to stipulations “a” through “o”, with the following revisions to “c” and “e” and with new stipulation “o”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- c. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one weeks accumulation of manure. All manure shall be removed from the site at least once per week. Manure shall not be composted on site, used on trails or rolled in arenas.
- e. No riding events, outside of typical lesson activities or clinics, shall be allowed on-site. Spectators at clinics or lessons shall be limited to 50. The applicant shall be prohibited from making application for an amendment to this Special Use Permit to allow horse shows and events for at least five years from the date of approval of this modified stipulation. No events shall be held on site.
- o. The applicant shall remove existing temporary horse stalls and limit the number of stalls for commercial boarding to 50.

Joy Rich said this is a re-hearing from the September 24<sup>th</sup> meeting to determine compliance. The original SUP (Special Use Permit) was approved September 20, 2000, and shortly after this staff started receiving complaints having to do with several things including special events held at the arena, specifically having to do with traffic, campers and dust. It was determined that several specifications in the original SUP were not being adhered to and right-of-way dedication had also not been done. The Planning Commission was asked to either revoke the Special Use Permit (SUP) or to clarify the stipulations for compliance purposes. The Planning Commission revised three stipulations “c”, “e” and “o” as given above. She added that staff would now further modify Stipulation “e” to regulate the total number of people to be limited to 50, whether spectators, workers, owners, etc.

Supervisor Wilson asked about a time limit that would apply to the temporary stalls. Ms. Rich said they had asked the property owner for specifications on areas of use or to amend their narrative report to cover this and had received no modifications to their application to permit that. She indicated there is a way to accomplish that but it wasn't dealt with in the original application.

Supervisor Stapley said that his office has met with the applicant and the planning staff and efforts had been made to clarify some of the issues. He said that new issues had surfaced the past week dealing with the applicant's ownership of the property, which reportedly may change in the near future. He indicated that Mr. Day had agreed that because of extenuating circumstances (unexpectedly huge crowd turnout, bad weather, etc.) an event had become unmanageable and outside the spirit or letter of the law with regards to his SUP. Mr. Stapley's concern is in approving the requested four special events if Mr. Day is successful in selling the property since the SUP goes with the property and not the owner.

Supervisor Kunasek raised the question of eliminating due process for a future owner of this property with the stipulation “e” phrase, “The applicant shall be prohibited from making application for an amendment to this Special Use Permit to allow horse shows and events for at least five years from the date of approval.” The discussion broadened to include Temporary Use Permits (TUP) for events as well. Mr. Eckhardt



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reported that any applicant would have to have a new TUP or SUP approved prior to holding an event on that property. The phrase will be stricken from stipulation "e" since it has become moot.

Chairman Brock called for speakers on this matter. Two in attendance did not desire to speak, Rebecca and Jim Winter who support changes to the SUP. Sarah Winter and Gerald Shelley did request to speak on the matter.

Sarah Winter, citizen who lives across the street from Casa de los Caballos, said she represents a group of more than 300 residents who wish to support modifications to the SUP and "totally support the idea of no more public events at this facility." Traffic and campers impacting neighboring properties are a major concern of their group.

Gerald Shelley, represented the applicant, Ethan Day, said an auction of the land is already scheduled for November 4<sup>th</sup> or 11<sup>th</sup> and he believed there is an 80% chance that the ownership will change hands in December. Pending the change in ownership, he referenced the issue raised by Supervisor Kunasek on restrictions regarding special events for any new owner of the property being inappropriately denied his property ownership rights. He suggested keeping the status quo in place pending the sale and revisiting the issue later with the new owner.

Supervisor Stapley remarked that regardless of who owns the property any application for a SUP or TUP for a special event would face a "bar that will now be raised higher" because of the abuses and misuses of the SUP in the past.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to the stipulations "a" through "o," and with changes to stipulation "e" as amended today.

Listed below are the final stipulations "a" through "o" as approved by the Planning Commission and the Board of Supervisors, and with the final revision to stipulation "e" as requested at this Board meeting shown at the end of this case - see below:

- a. 99-78" consisting of 1 sheet, dated (revised) May 31, 2000 and stamped received June 1, 2000 except as modified by the following stipulations.
- b. Development shall comply with the provisions in the narrative report entitled, "Casa de los Caballos Request for Special Use Permit" consisting of 3 pages and a two page addendum, dated June 20, 2000 except as modified by the following stipulations.
- c. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one week's accumulation of manure. All manure shall be removed from the site at least once per week. Manure shall not be composted on site, used on trails or rolled in arenas.
- d. The applicant shall agree to future participation in paving access road and/or mitigate dust when traffic warrants (exceeds 150 ADT).
- e. No riding events, outside of typical lesson activities or clinics, shall be allowed on site. Spectators at clinics and lessons shall be limited to 50. The applicant shall be prohibited from making application for an amendment to this Special Use Permit to allow horse

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shows and events for at least five years from the date of approval of this modified stipulation. No events shall be held on site. (THE AMENDED AND FINAL VERSION OF STIPULATION "e" WILL BE FOUND AT THE END OF THIS CASE.)

- f. The number of commercially boarded horses on the property shall be limited to 50 horses at any one time.
- g. The applicant shall provide Maricopa County Department of Transportation with a status report to evaluate traffic impacts and dust control measures at the end of two years.
- h. The applicant shall submit a written report outlining the status of the development annually from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the special use continues to be in compliance with these stipulations.
- i. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors.
- j. All lighting must comply with the standards of Section 2318 of the Maricopa County Zoning Ordinance.
- k. Major changes to this Special Use Permit must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Department of Planning and Development may administratively approve minor changes.
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in Section 2806 of the Zoning Ordinance.
- m. The applicant shall dedicate 55' half-width right-of-way along Lone Mountain Road and 152<sup>nd</sup> Street within six months of Board of Supervisor approval.
- n. The applicant shall comply with all ADWR regulations for the on site well. The applicant shall include well pumping records in an annual status report to staff.
- o. The applicant shall remove existing temporary horse stalls and limit the number of stalls for commercial boarding to 50.

The final version of stipulation "e" that overrides any previous version of stipulation "e" is as follows:

- e. NO RIDING EVENTS, OUTSIDE OF TYPICAL LESSON ACTIVITIES OR CLINICS, SHALL BE ALLOWED ON SITE. ATTENDEES (PARTICIPANTS, SPECTATORS, EMPLOYEES, ETC.) PRESENT AT CLINICS OR LESSONS SHALL BE LIMITED TO 50. NO EVENTS SHALL BE HELD ON SITE.

7. **Z2002-159**      **District 2 (This case continued from meeting of September 10, 2003.)**  
**Applicant:**      Morris Mickelson for T-Mobile and the Arizona State Land Department

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**Location:** Southeast side (approx. 1550 N. block) of McDowell Mountain Rd. (in the Fountain Hills/Ft. McDowell area)  
**Request:** Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - County East Monopole (0.06 ac.)

**COMMISSION ACTION:** Commissioner Gulbrandsen moved to recommend approval of Z2002-159, subject to the following stipulations "a" through "r". Commissioner Denny seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "COUNTY EAST MONOPOLE PH31508E". Consisting of seven (7) full-size sheets, dated revised January 27, 2003 and stamped received March 4, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Revised Project Submittal Narrative for a Special Use Permit Z2002159 County East Monopole" consisting of three (3) pages, dated and stamped received March 4, 2003.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Prior to drainage clearance for building permit, a drainage report must be submitted for reviewed and approval by the Flood Control District.
- f. Driveway within the County right-of-way shall be paved or surfaced at the discretion of MCDOT, and permit will be required to connect the paved driveway to the County road.
- g. Driveway and parking area must meet EPA requirements for dust control.
- h. The ground equipment site shall be walled in by an eight-foot (8') high CMU wall that includes a parking area.
- i. Should unanticipated effects or previously unidentified historic properties be discovered during the construction of the wireless facility, all work shall cease and desist until the State Historic Preservation Office deems in writing that construction can recommence.
- j. No construction activities shall occur at the wireless facility between the dates of February 1 through July 30 of any given year. Routine maintenance on existing equipment or the emergency repair of said equipment would be permitted unless agencies representing the State of Arizona or the Federal Department of Interior deem such work as disruptive to the wildlife and require a cease and desist order.

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- k. No large trees (equal to or greater than 6 inches diameter at breast height) or saguaro cacti shall be removed as the result of construction activities at the subject site. All construction activities must be planned around such vegetation to prevent their removal or damage.
- l. No antenna arrays shall be greater than 12 feet in width. Under no circumstances will catwalk type structures be permitted on the monopole.
- m. The monopole shall be limited to a maximum of three antenna arrays. Co-located antennas of future carriers agreeing to the aforementioned stipulations can be permitted with a minor amendment to the site plan administratively approved by the staff of the Planning and Development Department.
- n. All antenna arrays will be minimal in nature and neutral in color to blend with surrounding area. The CMU wall located at the base of the monopole will be stuccoed, constructed of natural materials or some other aesthetic method so that it blends with the surrounding natural desert landscape.
- o. The monopole together with all antennas and attachments will not exceed 80 feet in height as measured from base ground level.
- p. A status report, including clear photos of the wireless facility, shall be required in two (2) years time from the date of approval by the Board of Supervisors, or when the site is completely co-located with three carriers – which ever occurs first.
- q. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date
- r. Any lighting shall be in compliance with Article 1112 of the Maricopa County Zoning Ordinance and shall be designed to mitigate negative impacts on avian migration and nesting.

Ms. Rich outlined the Commission action on this item. She reminded the Board that the State Land Department is the property owner in this case and they had originally requested withdrawal of this application but the applicant requested a continuance to allow him time to negotiate on the matter. The State Land Department has now decided to work with the applicant, but chose a new site not in proximity to the current application. She said that this would require a new Special Use Permit application. She recommended that the Board accept the withdrawal and not hold a hearing on the matter.

Rulon Anderson, representing T-Mobil, asked to clarify several things with regards to the State Land Department (SLD). He has negotiated with the SLD to resolve any problems with this application and said that one of the conditions set by the SLD was County zoning approval before they would sign a lease. He indicated that the County process to this point has taken more than a year and he would prefer not having to start all over with a new application, as suggested by Ms. Rich. He said that the SLD now agrees with the application but wants to move the site, however, they aren't sure where they want to move it and because of that they want to put the cell on wheels as a temporary facility and have suggested a location within a mile of that stated on the application. He said the SLD told him that a permanent site may not be available for a year. He wants to be able to preserve the ability to provide service to the Fountain Hills

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neighborhood by amending their application to provide for a "cell on wheels." He said similar problems had been handled in other counties using a temporary site. He suggested that continuing this several weeks would allow him to negotiate and hopefully resolve this with both the State and the County Planning Department. He speculated that since the "open space designation" on the land expires the end of October, that would allow the SLD to sell the 1,200 acre parcel, which is what he believes they want to do. Allowing a temporary site would facilitate the State in this plan.

Supervisor Stapley said that he was aware of this parcel of land and the SLD plan for the future. He asked if the Ft. McDowell Indian Reservation was in agreement with this because he would not approve it if they weren't.

Larry Lazarus, representing the Ft. McDowell Yavapai Native American community, said they originally opposed the site and he now wants to make sure they have the opportunity for input on any site it could be moved to and to receive notice of proceedings. He said they could "support the withdrawal and reapplication and a time constraint that makes sense to the applicant."

Supervisor Stapley responded that the Board is very sensitive to the wishes of the Native American community. He clarified that withdrawing the application would require the applicant to begin the process again. Ms. Rich said that moving it almost a mile would require a new application but they would try to process it as quickly as possible.

Discussion ensued on the applicant's original application located in the 1,200 acre site and why moving it less than a mile would require a new application since the 300 foot notification was given. Mr. Anderson reported that staff had told him two weeks ago that it would not require a new application.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried to continue this to the November 19, 2003, meeting.

- 8.      Z2002-166      District 3**  
**Applicant:**      David Yates for Nextel and Charles J. O'Day  
**Location:**      5838 E. Dixileta Dr. - north of Dixileta Dr. and east of 56<sup>th</sup> St. (in the northeast Phoenix/north Scottsdale area)  
**Request:**      Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - Nextel Tasmania Cellular Site (0.02 ac.)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2002-166, subject to the following stipulations "a" through "p". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a.      Development and use of the site shall comply with the site plan entitled "Nextel Communications". Consisting of one (1) full-size sheet, dated revised August 12, 2003 and stamped received August 27, 2003, except as modified by the following stipulations.
- b.      Development and use of the site shall comply with the narrative report consisting of three (3) pages, dated June 19, 2003 and stamped received June 19, 2003 except as modified by the following stipulations.
- c.      Prior to zoning clearance for the cellular facility, all residential structures on the parent parcel must have applicable building permits and zoning clearance issued.

- d. Major changes to this Special Use Permit plan of development (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- e. A status report including photographs of the power pole and ground facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first.
- f. For future reference the designated S.U.P. area will be considered to exist over all property leased by Nextel to include at a minimum the power pole, cable runs between antenna and equipment, ingress/egress onto the subject property, parking area for the technician, and the ground mounted switching equipment area.
- g. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- h. Driveway within the County right-of-way shall be paved or surfaced at the discretion of MCDOT.
- i. Driveway and parking area must meet EPA requirements for dust control.
- j. The ground equipment site will be walled in by an eight-foot (8') high CMU wall.
- k. The antenna array height together with all attachments will not exceed 74' in height as measured from base ground level.
- l. The APS power pole shall be limited to a maximum of one antenna array.
- m. The antenna arrays shall be of a canister type, and under no conditions will a catwalk type of array be permitted.
- n. The APS power pole and all appurtenant equipment and structures will be painted to match each other in a neutral color designed to blend with the surrounding area.
- o. All future cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and be the same color as the tower.
- p. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the wireless equipment including the monopole shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.

Ms. Rich, reported on Planning Commission action on this item. She was just notified that APS (Arizona Public Service) will have to relocate their pole slightly to allow for the array it will hold and a new stipulation would have to be added, stipulation "q" as follows:

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- q. The monopole (replacement pole) shall be relocated to the west side of the driveway. A revised site plan (stipulation 'a') showing the relocated pole shall be submitted prior to zoning clearance.

Sarah Nelson was present to speak in support but did not do so.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval, with stipulations "a" through "p" and with the addition of stipulation "q."

- 9.      Z2003-003      District 4**  
**Applicant:**      CMX, L.L.C. for Maricopa Water District  
**Location:**      Northeast corner of Olive Ave. & Citrus Rd. (in the west Glendale area)  
**Request:**      Rezone from Rural-43 to R1-8 R.U.P.D., R1-10 R.U.P.D., and R1-18 R.U.P.D. with a P.A.D. overlay zone for the entire site - Zanjero Pass (220 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2003-003, subject to the following stipulations "a" through "u". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled "Proposed Rezoning Map and Residential Unit Plan of Development for Zanjero Pass, Rezoning from Rural-43 to R.U.P.D.", consisting of one (1) full-size sheet, dated December 4, 2002, and stamped received April 23, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled "Zanjero Pass, P.A.D. Overlay, R.U.P.D. Zoning Request", spiral-bound document consisting of 83 pages, dated revised April 23, 2003, and stamped received April 23, 2003, except as modified by the following stipulations.
- c. The entire site shall be subject to a Planned Area Development (P.A.D.) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats.
- d. The zoning for Zanjero Pass shall expire in five (5) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- e. Zanjero Pass shall have a maximum of 440 dwelling units.
- f. The open space shall include the provision of at least three "mini-parks". Each mini-park shall be at least three acres and be equipped with a tot lot, picnic ramadas, and playground equipment. Two of these mini parks will be designed to accommodate either a practice soccer field or practice baseball field. These fields will not be lighted for organized night time play. Pedestrian walkways will be provided to all parks.
- g. In addition to the open space of "f" above, the applicant shall provide a 10' landscaped tract along Cheryl Drive outside the exterior perimeter wall of Zanjero Pass. The tract shall

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include one tree for every 40' lineal feet and three shrubs for every one tree planted in the tract.

- h. The following Department of Transportation stipulations shall apply to development of Zanjero Pass:
1. Developer shall contribute their proportionate share of offsite regional roadway improvements, based upon their proposed 440 total residential units.
  2. An approved traffic impact analysis shall be on file with the Maricopa County Department of Transportation and shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands.
  3. The traffic analysis shall be updated prior to the first final plat approval and with each subsequent phase to reflect current conditions. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the traffic analysis. Subsequent updates of the traffic analysis will be required by the Maricopa County Department of Transportation if changing conditions warrant.
  4. A draft development agreement or comparable document shall be submitted by the Applicant within 90 days of zoning approval and executed within 180 days of approval or prior to preliminary plat approval. This agreement shall further detail transportation issues, including phasing of offsite roadway improvements, financial assurance to guarantee the offsite improvements and proportionate regional contributions referenced in item 1 above.
  5. Provide the following total half-width right-of-way dedications:
    - a) 70 feet on Olive Avenue
    - b) 65 feet on Citrus Road
    - c) 40 feet on 175<sup>th</sup> Avenue
    - d) 30 feet on 173<sup>rd</sup> Avenue
    - e) 25 feet on Cheryl Drive
  6. Provide ultimate half-street improvements on those roadways identified in item 5 above that are adjacent to the site.
  7. All identified offsite alignments must be consistent with a county approved transportation plan.
  8. All-weather access shall be provided to all parcels and on all arterial roadways.
  9. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
  10. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.



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11. Bike lanes shall be included on all arterial and major collector alignments. A bicycle circulation plan shall be provided with each phase of development.
  12. Development should be designed to promote pedestrian and bicycle use and alternative modes of transportation to public facilities within and adjacent to the site, (e.g., bus bays, internal trail systems).
  13. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
  14. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
  15. A construction traffic circulation plan shall be provided and approved by Maricopa County Department of Transportation prior to commencing construction.
  16. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
  17. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Stormwater requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. Applicant is responsible for complying with these requirements.
- i. Prior to or concurrent with the submittal of a preliminary plat for any portion or phase of this development, a preliminary landscape plan is to be submitted. Landscaping in common areas shall largely limit turfed areas to active recreational areas. Turf shall consist only of non-evasive grass species. Passive recreational areas and all other common open space and landscape areas shall use only plants listed on the Phoenix Active Management Area Low Water Use Plant List. An emphasis shall be placed on indigenous plant species for all common open space and landscape areas. Landscaping within public right-of-way shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
  - j. Prior to preliminary plat approval, the applicant shall submit a drainage report for the entire site to the Flood Control District, including existing and future proposed off-site runoff peak flows, and subsidence as they might affect the site.
  - k. Prior to the approval of the first preliminary plat, the applicant shall obtain approval of Master Plans from the Maricopa County Environmental Services Department for off-site water and sewer services and on-site water and sewer services.
  - l. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
  - m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.

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- n. Written notification shall be provided to all future homeowners that they are located within the State-defined Territory in the Vicinity of a Military Airport and may be subject to loud noise from military aircraft overflights and sound events. Such notification shall be recorded on all final plats, be posted in a conspicuous location on the front door of the sales office(s) and model home(s), and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report.
- o. All habitable buildings constructed within this subdivision shall be constructed to attain noise reduction as per A.R.S. § 28-8482(B).
- p. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- q. Prior to final plat approval, a quality of life assessment of \$377 per housing unit shall be provided to the Maricopa County Library District.
- r. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- s. Major changes to the R.U.P.D. plan (site plan and narrative report) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- t. Noncompliance with the R.U.P.D. Plan (site plan and narrative report) and the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action for revocation of zoning approval in accordance with The Maricopa County Zoning Ordinance.
- u. The Final Plat shall include a note indicating that the site is located in an area known to have historic occurrences of land subsidence. Prior to Final Plat approval, the applicant shall submit a geotechnical report to determine the presence of land subsidence and earth fissuring. The report shall be prepared by an Arizona registered engineer and shall include recommendation on methods to mitigate land subsidence and earth fissuring in development of the subdivision.

Joy Rich said that the application is in compliance with the County's density requisite and it has been approved by Luke Air Force Base, however, the City of Glendale's density plan stipulates a slightly lower density and it does not comply with the City's plan. The Planning Commission and staff recommend approval.

Supervisor Wilson said the applicant has made improvements in their plan over the last 18 months and it is in compliance with the White Tank Plan on density.

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Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "u."

- 10. Z2003061 District 4** (This case requires a  $\frac{3}{4}$  majority vote to approve, due to opposition from adjacent property owners.) **CONTINUED**
- Applicant:** Sender Associates, Chartered for L.B. Apartment Communities  
**Location:** Southeast corner of Deer Valley Dr. & 151<sup>st</sup> Ave. (in the Sun City West area)  
**Request:** Rezone from Rural-43 to R-5 R.U.P.D. with a Plan of Development for apartments - Deer Valley Senior Community (7.8 ac.)

**COMMISSION ACTION: Commissioner** Beckley moved to recommend approval of Z2003-061, subject to the following stipulations "a" through "r". Commissioner Munoz seconded the motion, which passed with a majority vote of 7-2, indicated by roll call as follows:

Commissioner Aster – yes	Commissioner Clayburg – no
Commissioner Beckley – yes	Commissioner Jones - no
Commissioner Gulbrandsen – yes	
Commissioner Munoz – yes	
Commissioner Smith - yes	
Commissioner Harris – yes	
Chairman Pugmire – yes	

- a. Development shall be in substantial conformance with the site plan consisting of seven (7) full-size sheets entitled "Deer Valley Senior Community", date stamped by the architect July 3, 2003 and stamped received July 14, 2003. Prior to Zoning Clearance, the applicant shall revise the site plan to relocate the refuse container along the eastern property line to the west side of the parking lot and to reflect any stipulated changes to the site plan.
- b. Development of the site shall be in conformance with the narrative report entitled "Deer Valley Senior Community", consisting of sixteen (16) pages, dated revised July 11, 2003, and stamped received July 14, 2003, except as modified by the following stipulations.
- c. All buildings within 180' of any property line adjacent to existing residential development shall be limited to one story in height.
- d. The maximum number of dwelling units shall be 180.
- e. Prior to Zoning Clearance, the applicant shall submit CC&Rs for the subject property that indicate the apartments are limited to tenants 55 years of age and older.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Handicap ramps will be required at drives.
- h. The driveway on 151<sup>st</sup> Avenue shall be a maximum of 40 feet in width.

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- i. Auxiliary lanes or other off-site improvements, as recommended in the approved Traffic Impact Study, will be the responsibility of the applicant.
- j. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event." Additionally, the retention requirements for this site only require first flush, which is the first ½ inch of runoff to account for the required volume or first flush treatment/filtration.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- m. All trees shall be double-staked when installed.
- n. Major changes to the Precise Plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- o. Major changes to the Precise Plan shall require a Citizen Participation Process.
- p. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- q. This rezone is conditional upon a building permit being obtained with two years from the date of approval by the Board of Supervisors.
- r. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Ms. Rich said the applicant continues to work with neighbors on site plan modifications and staff needs additional time to review them. She asked for a continuance to November 5.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this matter to the November 5<sup>th</sup> meeting.

- 11.     Z2003-069     District 5**  
**Applicant:** Damian Zavala for L.P. Steel Industries  
**Location:** Near the southwest corner of Southern Ave. & 67<sup>th</sup> Ave. – approx. 1,200' west of the intersection (in the Laveen area)

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**Request:** Major Amendment to a previously approved Plan of Development for a light industrial use in the IND-3 zoning district - L.P. Steel Industries (7.65 ac.)

**COMMISSION ACTION:** Commissioner Munoz moved to recommend approval of Z2003-069, subject to the following stipulations "a" through "i". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial compliance with the site plan and landscape plan entitled "L.P. STEEL DEVELOPMENT", consisting of one (1) full-size sheet, dated November 11, 2002 and stamped received July 10, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "L.P. STEEL INDUSTRIES, INC.", consisting of three (3) pages, undated but stamped received July 10, 2003, except as modified by the following stipulations.
- c. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- d. A continuous parapet shall screen all roof-mounted equipment.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- f. All trees shall be double-staked when installed.
- g. Major changes to this Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Expansion of the storage yard (labeled as Phase 2 on the site plan referenced in stipulation 'a' above) may be considered a minor change.
- h. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- i. Hazardous wastes shall not be generated or stored on the site.

Ms. Rich said that zoning in existence since 1988 complies with use and the applicant had a previously approved plan of development for the site. The Planning Commission supports approval of this request.

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Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "i."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

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Norma Risch, Deputy Clerk of the Board